

REMARKS

This Amendment is responsive to the Office Action dated November 14, 2005. Claims 1-17 were pending in the application. In the Office Action, claims 1-17 were rejected. In this Amendment, claims 1 and 10 were amended. Claims 1-17 thus remain for consideration.

Applicant submits that claims 1-17 are in condition for allowance and requests withdrawal of the rejections in light of the following remarks.

Objections to the Drawings

The drawings were objected to because the drawings must show every feature of the invention specified in the claims.

Figure 5 has been amended to show the free end of the safety catch that passes through the slot to extend outwardly beyond the depth of the slot in the second housing. A replacement drawing showing these changes is attached to this amendment.

§ 103 Rejections

Claims 1-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Keller (USPN 1,807,293) in view of Levy (US Patent Number 5,008,984).

Applicant submits that the independent claims (claims 1 and 10) are patentable over Keller and Levy – either taken alone or in combination.

Applicant's invention as recited in the independent claims (claims 1 and 10) is directed toward a jewelry clasp. For example, independent claim 1 recites:

“A jewelry clasp comprising,

a first housing, the first housing including a distal end and a proximal end, the proximal end containing a permanent magnet having a facing surface, and the distal end including a safety catch,

a second housing, the second housing having a first and second external surfaces, the second housing further including an opening located on a front section of said second housing, a permanent magnet having a facing surface located on a middle section of said second housing, and a slot located on a rear section of said second housing,

said permanent magnets both being magnetized so that the line of greatest magnetic force is perpendicular to the facing surfaces, said facing surfaces of the permanent magnets attracted to each other when positioned proximate to each other and within the field of the magnetic forces,

whereby said safety catch has one end pivotally mounted to the distal end of the first housing and has a protuberance extending outwardly from the other end, the protuberance having a free end,

said slot of said second housing passes fully through the second housing to be accessible through both said first and said second external surfaces, and

said safety catch is rotatable about the pivotal mounting to a locked position wherein the free end of the protuberance enters the slot through either the first or second external surfaces of the second housing to retain the first and second housings together.” (Emphasis added).

Supporting disclosure for Applicant’s jewelry clasp can be found throughout the specification. (See, e.g., Figs. 1-5).

Keller and Levy do not disclose the combination of (1) a first housing that includes a distal end and a proximal end, the proximal end containing a permanent magnet having a facing surface, and the distal end including a safety catch, and (2) a

second housing that includes an opening located on a front section of said second housing, a permanent magnet having a facing surface located on a middle section of said second housing and a slot located on a rear section of said second housing.

Keller discloses a jewelry fastener that comprises a female member 1 and a male member 11. The female member of Keller includes a tubular member and an arm and the male member includes a tubular body 11 and a channel 19. Keller does teach or suggest the combination of (1) a first housing that includes a distal end and a proximal end, the proximal end containing a permanent magnet having a facing surface, and the distal end including a safety catch, and (2) a second housing that includes a front portion, a middle portion and a rear portion, the front portion including an opening, the middle portion containing a permanent magnet having a facing surface, and the rear portion including a slot.

Levy discloses a jewelry closure that comprises a first closure member 6 and a second closure member 8. The first closure member includes a magnet, a clip 18, and a protrusion 24. The second closure member only includes a magnet. Levy does teach or suggest the combination of (1) a first housing that includes a distal end and a proximal end, the proximal end containing a permanent magnet having a facing surface, and the distal end including a safety catch, and (2) a second housing that includes a front portion, a middle portion and a rear portion, the front portion including an opening, the middle portion containing a permanent magnet having a facing surface, and the rear portion including a slot.

Since Keller and Levy does not disclose the combination of (1) a first housing that includes a distal end and a proximal end, the proximal end containing a permanent

magnet having a facing surface, and the distal end including a safety catch, and (2) a second housing that includes a front portion, a middle portion and a rear portion, the front portion including an opening, the middle portion containing a permanent magnet having a facing surface, and the rear portion including a slot, Applicant believes that independent claims 1 and 10 are patentable over Keller and Levy – taken either alone or in combination – on at least this basis.

Claims 2-9 depend on claim 1. Since claim 1 is believed to be patentable over Keller and Levy, claims 2-9 are believed to be patentable over Keller and Levy on the basis of their dependency on claim 1.

Claims 11-17 depend on claim 10. Since claim 10 is believed to be patentable over Keller and Levy, claims 11-17 are believed to be patentable over Keller and Levy on the basis of their dependency on claim 10.

CONCLUSION


Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 06-0515.

Respectfully submitted,
Stephen E. Feldman, P.C.

By:


Stephen E. Feldman
Reg. No. 22,473
(212) 532-8585